IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 33109 of 2006(N)

PETITIONER:

BIJU THOMAS MATHEW,
LECTURER IN COMMERCE, MAR THOMA COLLEGE FOR WOMEN,
PERUMBAVOOR.

BY ADV. SRI.M.C.CHERIAN
SRI.M.A.THOMAS KUTTY
SMT.SARAMMA CHERIAN
SMT.ASHA CHERIAN

RESPONDENTS:
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1. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, O/O. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, ERNAKULAM.

2. THE PRINCIPAL,
MAR THOMA COLLEGE OF WOMEN, PERUMBAVOOR.

3. THE MAHATMA GANDHI UNIVERSITY,
KOTTAYAM, REPRESENTED BY ITS REGISTRAR.

4. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF HIGHER EDUCATION, SECRETARIATE,THIRUVANANTHAPURAM.

R1 & R4 BY GOVERNMENT PLEADER (SHRI T.T. MUHAMMED)

R3 BY ADV. SHRI V. A. MUHAMMED, SC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.33109/06 N

PETITIONER'S EXHIBITS:

EXT.P1	**TRUE COPY OF THE SERVICE CERTIFICATE DATED 7.9.2002 OF THE PETITIONER.**
EXT.P2	**TRUE COPY OF ORDER DATED 20.4.2005 OF THE THIRD RESPONDENT UNIVERSITY APPROVING THE PROMOTION OF PETITIONER AS LECTURER (SR. SCALE).**
EXT.P3	**TRUE COPY OF COMMUNICATION DATED 9.11.2005 OF THE 1ST RESPONDENT TO THE PRINCIPAL.**
EXT.P4	**TRUE COPY OF RELEVANT PORTION OF THE GOVERNMENT ORDER DATED 21.12.1999.**
EXT.P5	**TRUE COPY OF JUDGMENT DATED 26.9.2005 IN W.P.(C). NO.16495/05.**
EXT.P6	**TRUE COPY OF JUDGMENT DATED 15.9.2006 IN W.A. NO.197/2006.**

// TRUE COPY //

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 33109 OF 2006 N

Dated this the 21st February, 2007

JUDGMENT

Case of petitioner, in brief, is as follows:

Petitioner was placed as Lecturer (Sr. Scale) and it was approved by the third respondent University with effect from 27.5.2001 vide Ext.P2. But, the first respondent refused to approve the said placement order on the ground that broken service has been reckoned for the purpose of placement. Petitioner relies on the Judgment in Writ Appeal No.197/06.

2. Heard the learned standing counsel appearing for third respondent University also. I would think that if the University approves the placement, the decision in Cherian Mathew v. Principal, S.B. College, Changanassery (1998 (2) KLT 144) shall govern and if the Deputy Director of Collegiate Education places his objections and the University reiterates Ext.P2, petitioner shall be paid the amounts without any delay. Accordingly, the Writ Petition is disposed of as follows:

The first respondent will place his objections to Ext.P2 before the third respondent University within a period of one month from the date of receipt of a copy of this Judgment. The third respondent will consider each and every objection of first respondent and take a decision giving reasons, within one month from the date of receipt of the objection. The decision shall be communicated to the petitioner and also to the first respondent. If the decision taken by third respondent is to reiterate Ext.P2, the monetary benefits due to petitioner shall be released to him without any further delay.

K. M. JOSEPH, JUDGE

kbk.